

REMARKS

Independent claims 1, 4, 5, 10, and 11 are amended to clarify the invention. Example supporting embodiments are described on page 4, lines 32-33 and page 5, lines 1-12. Claims 1-13 are pending in the application, and reconsideration and allowance of the application are respectfully requested.

The Office Action Summary page of April 3, 2006, indicates that the drawings filed on 09 May 2001 are objected to. However, in response to an inquiry by telephone on April 10, 2006, by paralegal Kathleen Klinkhammer, the Examiner reviewed the file and determined that the drawings should not have been objected to and stated that the objection should be disregarded.

The Office Action fails to show that claims 1-4, 11-13 are anticipated by US patent 6,643,701 to Aziz et al. ("Aziz") under 35 USC §102(e). The rejection is respectfully traversed because the Office Action fails to show that all the limitations of the claims are taught by Aziz.

The Office Action relies on the paper entitled, "The SSL Protocol", Version 3.0, by Freier et al. ("Freier") in interpreting the teachings of Aziz. However, the explicit teachings of the paper clearly demonstrate that Aziz' teachings do not correspond to the claim limitations.

Claim 1 clearly sets forth that the gateway module generates respective first session identifiers upon receipt of initial requests from the mobile communication devices at the gateway module and transmits the first session identifiers to the application program. Aziz' client-relay-server connection is not shown to operate in this manner, and Freier's teachings do not support the assertion that Aziz teaches these limitations.

Aziz creates an end-to-end secure transmission link from a client to a relay and from the relay to a server (C 7, L 54-64) using a handshaking session. Freier clearly teaches that the server creates session identifiers (P18, P21). Thus, it would appear that Aziz' relay creates a session identifier for use between the relay and the client, and Aziz' server creates another session identifier for use between the server and the client. There is no apparent suggestion by Aziz that a session identifier generated by Aziz' relay in response to a request from a client, is then transmitted to Aziz' server. Nor is it

reasonable to conclude from Freier's teachings that Aziz' relay transmits a session identifier that it generated to a server. Thus, the limitations of the gateway module generating respective first session identifiers upon receipt of initial requests from the mobile communication devices at the gateway module and transmitting the first session identifiers to the application program are not shown to be taught by Aziz.

Independent claims 4 and 11 include similar limitations and are not shown to be anticipated for at least the reasons set forth above.

The amendments to claims 1, 4, and 11 further clarify that Freier does not teach the transmitted second session identifiers from the gateway module to the application program. The claim limitations clarify that the second session identifiers are transmitted while the respective connections between the mobile devices to the application program are established and for communications within the respective sessions. Freier's transmission of session identifiers is apparently for resuming a previous session or duplicating an existing session (page 18). Thus, the claimed subsequent communications exclude both the resumption and duplication of a session, and neither Aziz nor Freier are shown to teach the claim limitations.

Claims 2-4 and 12-13 depend from the independent discussed above and are not shown to be anticipated by Aziz for at least the reasons set forth above.

The rejection of claims 5 and 10 under 35 USC §103(a) over Aziz in view of "Davis" (U.S. Patent No. 6,367,009 to Davis et al.) is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references and fails to provide a proper motivation for modifying the teachings of Aziz with teachings of Davis.

Claims 5 and 10 include at least the limitations of independent claims 1 and 4. Thus, the limitations are not shown to be taught by the Aziz-Davis combination for at least the reasons set forth above. The alleged motivation for combining Davis with Aziz is not supported by evidence and improper. Therefore, the rejection of claims 5 and 10 should be withdrawn because a *prima facie* case of obviousness has not been established.

The Office Action does not establish that claims 6-9 are unpatentable under 35 USC §103(a) over Aziz and Davis, in view of "Sparks" (U.S. Patent No. 6,167,382 to Sparks et al.). The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references and fails to provide a proper motivation for modifying the teachings of Aziz and Davis with teachings of Sparks.

Among other limitations, claim 6 includes limitations of receiving checkout requests from the wireless communication devices at the gateway module and transferring the checkout requests to a wallet module that manages user authentication. The Office Action cites Sparks' col. 2, l. 36-49. However, there is no apparent element in this portion of Sparks that corresponds to the gateway module at which checkout requests are received. Nor is there any apparent element that corresponds to the claimed wallet module to which the checkout requests are sent.

Claim 7 depends claim 6 and is not shown to be unpatentable for at least the reasons set forth above.

Claim 8 depends from claim 7 and includes further the limitations: in response to a payment request from a wireless communications device, transmitting the payment request from the gateway module to the merchant application, disassociating the wireless session identifier from the corresponding merchant session identifier, and generating a new wireless session identifier for the wireless communications device when another initial request is received from the wireless communications device. As explained above in regards to claim 6, Sparks is not shown to teach the claimed gateway module and operations thereof.


Claim 9 depends from claim 8 and is not shown to be unpatentable for at least the reasons set forth above.

The rejection of claims 6-9 over the Aziz-Sparks combination should be withdrawn because the Office Action fails to show all the limitations are suggested by the combination and the alleged motivation for combining the references is conclusory.

Withdrawal of the rejections and reconsideration of the claims are respectfully requested in view of the remarks set forth above. No extension of time is believed to be necessary for consideration of this response. However, if an extension of time is required, please consider this a petition for a sufficient number of months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (HPCO.038PA).

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